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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/747,041
Filing Date: December 22, 2000
Appellant(s): KELLEY ET AL.

MAILED

AUG 17 2007

GROUP 3600

Tait R. Swanson
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 04/02/07 appealing from the Office action
mailed 09/20/06.

(1) Real Party in Interest

A Statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-25, 27-50, 52-54, 56-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eder (US PAT 6,321,205).

Re claim 1. Eder discloses a method comprising: providing an electronic form comprising purchase analysis form having fields configured to enable selection of items and configured to enable entry of financial data **including system operational data** (see fig.13, element 806, also see col.18, lines 12-20), the financial data comprising projected changes in at least a portion of the financial data over a future analysis period (see abstract, also see col.6, lines 45-50); electronically receiving the financial data from the electronic form via a network (see col.9, lines 50 - col.10, line 24); routing the financial data into a financial analysis system (i.e., Neural networks consist of a number of processing elements (hereinafter, referred to as nodes) that send data to one another via connections, see col.24, lines 44-50, also see col.10, lines 5-10, i.e., determine which data need to be extracted and transferred from the database server via the interconnection network to the application server computer.....); generating a pro forma financial report for the future analysis period tailored to the financial data (see col.13,

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lines 49-62); electronically transmitting the pro forma financial report to a client via the network (col.8, lines 15-21, also see col.7, lines 10-13, and col.46 line 61-col.47, line 8), analyzing a prospective purchasing option selected from a plurality of different purchasing options based on the financial data of the client to provide a client-specific financial analysis of the prospective purchasing option (i.e., Income valuations are based on the premise that the current value of a business is a function of the future value that an investor can expect to receive from purchasing all or part of the business, see col.3 lines 25-40). Eder does not expressly disclose a medical-imaging device/system. However, Medical facility (i.e., medical imaging system) is simply an intended subject use of this invention. And since there is no structural difference between the claimed invention and the prior art, the prior art structure is capable of performing the intended use, i.e., the prior art can be configured to enable entry of any data, and can be configured to enable selection of any data items, then clearly the prior art meets the claim. Further, the functionality of the prior art can be applied to any facility or business operation, services or products; with the names of their specific industry and related products and services simply replacing "medical facility" and it related products and services by name. Further still, the method steps described in the claimed invention hereinabove (i.e., financial data including system operational data of the prospective medical imaging system and a medical-imaging-device purchasing analysis form having fields configured to enable selection of a prospective medical imaging system from a plurality of medical imaging systems). Thus, the recitation of "operational data of medical imaging systems" and "medical-imaging-device purchasing

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analysis form", these information neither enhance nor diminish the functionality of the system. These information are nothing but a compilation of data, which coincides with the definition of non-functional descriptive material in MPEP 2106. In conclusion, when the prior art describes all the claimed structural and functional relationships between the descriptive material and the substrate, but the prior art describes a different descriptive material than the claim, then the descriptive material is non-functional and will not be given any patentable weight. That is to say, mere reciting "financial data including operational data of medical imaging device", presents no new and unobvious functional relationship between the descriptive material and the substrate. Thus it would have been obvious to one of ordinary skill in the art to apply the modeling and analyzing business improvement programs taught by Eder to medical imaging system financial operation to enable medical care professionals to use a broad array of assumptions to forecast utilization of medical procedures and estimated revenue per procedure under multiple capitation scenarios and to provide for a more comprehensive and efficient system for financial/management analysis of medical business operations.

Re claim 2. Eder further discloses the method as stated supra, comprising identifying the client and tailoring the electronic form to the client (see col.8, lines 12-22).

Re claims 3, 5-16, and 56. Eder further discloses the method, wherein providing an electronic form having fields (see Eder col.12, lines 53-67, also see col.13, lines 50-67). Eder does not explicitly disclose an electronic form having fields comprises allowing the client to select all the method steps in claims 3-16, and 56. However, it is obvious and well known that the electronic form having fields can be found in or associated with any

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major commercial computer spreadsheet available within the past decade, such as: Excel, Lotus 123, Quattro pro etc., which during that time have been used by thousands of financial analysts to conduct different types of standard and common financial analyses. Thus, all the data entry features, steps, and methods described in claims 3-16, and 56 can be performed using any of these well-known commercial software applications. In addition, since the steps and methods described in claims 3-16, and 56 are basic data entry operations, it would have been obvious to one of ordinary skill in the art at the time of the invention to load the well-known software programs stated supra unto Eder's system to implement all the basic field/option selection operation described to enable medical care professionals to use a broad array of assumptions to forecast utilization of medical procedures and estimated revenue per procedure under multiple capitation scenarios and to provide for a more comprehensive and efficient system for financial/management analysis of medical business operations.

Re claim 17. Eder further discloses the method comprising providing a set of financial rules for analyzing the financial data with the financial analysis system (i.e., generally accepted valuation principles, see col.3, lines 17-25).

Re claim 18. Eder further discloses the method wherein electronically receiving the financial data via the Internet (see col.9, lines 5-40, also see col.12, lines39-40)

Re claim 19. Eder discloses a system comprising: a client computer system; a financial analysis system ; a network for coupling the client computer system to the financial analysis system; and an interface accessible on the client computer system via the network, wherein the interface includes form fields configured to enable selection of

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data and for entering client data, wherein the interface is configured to exchange the client data with the financial analysis system (see col.9, lines 1-45, also col.8 lines 15-65), the client data comprising financial data , and wherein the financial analysis system is configured to evaluate the client data and to generate a projected financial report tailored to the client data (see col.13, lines 49-62, also see fig 8 and fig.13), wherein the projected financial report enables a client to evaluate feasibility of purchasing the prospective system. Eder does not expressly disclose medical facility as it relates to the system above. Eder does not expressly disclose a medical facility. However, Medical facility (i.e., medical diagnostic system) is simply an intended subject use of this invention, And since there is no structural difference between the claimed invention and the prior art, the prior art structure is capable of performing the intended use, i.e., the prior art can be configured to enable entry of any data, and can be configured to enable selection of any data items, then clearly the prior art meets the claim. Further, the functionality of the prior art can be applied to any facility or business operation, services or products; with the names of their specific industry and related products and services simply replacing "medical facility" and it related products and services by name. Further still, the method steps described in the claimed invention hereinabove (i.e., financial data including system operational data of the prospective medical imaging system and a medical-imaging-device purchasing analysis form having fields configured to enable selection of a prospective medical imaging system from a plurality of medical imaging systems). Thus, the recitation of "operational data of medical imaging systems" and "medical-imaging-device purchasing analysis form",

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these information neither enhance nor diminish the functionality of the system. These information are nothing but a compilation of data, which coincides with the definition of non-functional descriptive material in MPEP 2106. In conclusion, when the prior art describes all the claimed structural and functional relationships between the descriptive material and the substrate, but the prior art describes a different descriptive material than the claim, then the descriptive material is non-functional and will not be given any patentable weight. That is to say, mere reciting "financial data including operational data of medical imaging device", presents no new and unobvious functional relationship between the descriptive material and the substrate. Thus it would have been obvious to one of ordinary skill in the art to apply the modeling and analyzing business improvement programs taught by Eder to medical imaging system financial operation to enable medical care professionals to use a broad array of assumptions to forecast utilization of medical procedures and estimated revenue per procedure under multiple capitation scenarios and to provide for a more comprehensive and efficient system for financial/management analysis of medical business operations.

Re claim 20. Eder discloses the system, wherein the financial analysis system comprises a financial rule module (see fig. 6A).

Re claim 21. Eder discloses the system wherein the financial analysis system comprises a tax module (see fig.5b, elements 225 and 910) having rules for evaluating tax effects on the financial data (col.22 lines 8-12).

Re claim 22. Eder further discloses the system wherein the financial analysis system comprises module having rules for financially evaluating operational data. (see fig.13,

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element 806, also see col.18, lines 12-20, and col.8, lines 15-21, also see col.7, lines 10-13). Eder does not expressly disclose a medical facility or healthcare. However, Medical facility (i.e., medical imaging system) is simply an intended subject use of this invention, and the functions described hereinabove can be applied to any facility or business operation, services or products; with the names of their specific industry and related products and services simply replacing "medical facility" and its related products and services by name. Thus it would have been obvious to one of ordinary skill in the art to apply the modeling and analyzing business improvement programs taught by Eder to medical imaging system financial operation to enable medical care professionals to use a broad array of assumptions to forecast utilization of medical procedures and estimated revenue per procedure under multiple capitation scenarios and to provide for a more comprehensive and efficient system for financial/management analysis of medical business operations.

Re claim 23. Eder discloses the system wherein the network comprises the Internet (see col.9, lines 3-20, also see fig. 5b, element 5).

Re claim 24. Eder discloses the system, wherein the interface comprises a form configured for entering and transmitting the client data to the financial analysis system (see fig.13, element 806, also see col.18, lines 12-20, and col.8, lines 15-21, also see col.7, lines 10-13),

Re claims 25, 27-33, and 57. Eder discloses the interface as described in claim 19.

However, Eder does not disclose the interface comprises the data entry fields described in claims 25-33, and 57. However, it is obvious and well known that data entry fields can

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be found in or associated with any major commercial computer spreadsheet available within the past decade, such as: Excel, Lotus 123, Quattro pro etc., which during that time have been used by thousands of financial analysts to conduct different types of standard and common financial analyses. Thus, all the data entry features and steps described in claims 25-33, and 57 can be performed using any of these well-known commercial software applications. In addition, since the steps described in claims 25-33, and 57 are basic data entry operations, it would have been obvious to one of ordinary skill in the art at the time of the invention to load the well-known software programs stated supra unto Eder's system to implement all the basic field/option selection operation described to enable medical care professionals to use a broad array of assumptions to forecast utilization of medical procedures and estimated revenue per procedure under multiple capitation scenarios and to provide for a more comprehensive and efficient system for financial/management analysis of medical business operations.

Re claim 34. Claim 34 recites similar limitations to claim 1 and thus rejected using the same art and rationale as in claim 1.

Re claim 35. Eder discloses the method, comprising identifying the client and tailoring the form to the client (i.e., These information extractions and aggregations are guided by a user through interaction with a user-interface portion of the application software that mediates the display and transmission of all information to the user from the system as well as the receipt of information into the system from the user using a variety of data windows tailored to the specific information being requested or displayed in a manner that is well known, see col.8, lines 13-22).

Re claim 36. Eder further discloses the method, comprising tailoring the form the client (i.e., These information extractions and aggregations are guided by a user through interaction with a user-interface portion of the application software that mediates the display and transmission of all information to the user from the system as well as the receipt of information into the system from the user using a variety of data windows tailored to the specific information being requested or displayed in a manner that is well known, see col.8, lines 13-22). Eder does not disclose healthcare category and medical imaging systems. However, Medical facility (i.e., medical imaging system) is simply an intended subject use of this invention, and the functions described hereinabove can be applied to any facility or business operation, services or products; with the names of their specific industry and related products and services simply replacing "medical facility" and it related products and services by name. Thus it would have been obvious to one of ordinary skill in the art to apply the modeling and analyzing business improvement programs taught by Eder to medical imaging system financial operation to enable medical care professionals to use a broad array of assumptions to forecast utilization of medical procedures and estimated revenue per procedure under multiple capitation scenarios and to provide for a more comprehensive and efficient system for financial/management analysis of medical business operations.

Re claim 37. Eder discloses the method, wherein providing the interface comprises providing a server for exchanging information between the financial analysis system and a client computer system (see col.9, lines 2-35). Eder does not expressly disclose the method steps described hereinabove for the healthcare facility. However, healthcare

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facility is simply an intended subject use of this invention, and the functions described in hereinabove can be applied to any facility or business operation, services or products; with the names of their specific industry and related products and services simply replacing "healthcare facility" and its related products and services by name. Thus it would have been obvious to one of ordinary skill in the art to apply the modeling and analyzing business improvement programs taught by Eder to medical imaging system financial operation to enable medical care professionals to use a broad array of assumptions to forecast utilization of medical procedures and estimated revenue per procedure under multiple capitation scenarios and to provide for a more comprehensive and efficient system for financial/management analysis of medical business operations.

Re claims 38 – 41, 54 and 58. Eder does not expressly disclose the method, wherein providing the interface comprises all the steps disclosed in claims 38-41, 54 and 58.

However, the steps outlined in claims 38-41, 54 and 58 are data entry steps, and it is obvious and well known that data entry fields can be found in or associated with any major commercial computer spreadsheet available within the past decade, such as: Excel, Lotus 123, Quattro pro etc., which during that time have been used by thousands of financial analysts to conduct different types of standard and common financial analyses. Thus, all the data entry features and steps described in claims 38-41, 54 and 58 can be performed using any of these well-known commercial software applications.

In addition, since the steps described in claims 38-41, 54 and 58 are basic data entry operations, it would have been obvious to one of ordinary skill in the art at the time of the invention to load the well-known software programs stated supra unto Eder's system

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to implement all the basic field/option selection operation described to enable medical care professionals to use a broad array of assumptions to forecast utilization of medical procedures and estimated revenue per procedure under multiple capitation scenarios and to provide for a more comprehensive and efficient system for financial/management analysis of medical business operations.

Re claim 42. Eder further discloses the method, wherein electronically accepting comprises electronically accepting the financial data via the Internet (see col.9, lines 5-40, also see col.12, lines39-40).

Re claim 43. Eder discloses an Internet financial analysis system, the system comprising; a network for exchanging data between the client computer system and the financial analysis system (see col.9, lines 2-35, also see col.8 lines 15-65); and an Internet results page for displaying a projected financial statistic from the financial analysis system (see col.5, lines 15-30), an Internet query form having a plurality of data entry fields i.e., operational time field, cost field, revenue field, and purchase transaction fields configured for accepting financial data (see fig.4, also see fig.6A.). Eder does not expressly disclose a client computer system for the healthcare facility; a financial analysis system remote from the healthcare facility However, healthcare facility is simply an intended subject use of this invention, and the functions described in hereinabove can be applied to any facility or business operation, services or products; with the names of their specific industry and related products and services simply replacing " healthcare facility" and it related products and services by name, it would have been obvious to one of ordinary skill in the art to apply the modeling and analyzing

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business improvement programs taught by Eder to medical imaging system financial operation to enable medical care professionals to use a broad array of assumptions to forecast utilization of medical procedures and estimated revenue per procedure under multiple capitation scenarios and to provide for a more comprehensive and efficient system for financial/management analysis of medical business operations.

Re claim 44. Eder further expressly discloses the system comprises a module having rules for financially evaluating business operations (see fig.6B element 325). Eder does not expressly disclose the method steps described hereinabove for the healthcare facility. However, healthcare facility is simply an intended subject use of this invention, and the functions described in hereinabove can be applied to any facility or business operation, services or products; with the names of their specific industry and related products and services simply replacing "healthcare facility" and its related products and services by name. Thus it would have been obvious to one of ordinary skill in the art to apply the modeling and analyzing business improvement programs taught by Eder to medical imaging system financial operation to enable medical care professionals to use a broad array of assumptions to forecast utilization of medical procedures and estimated revenue per procedure under multiple capitation scenarios and to provide for a more comprehensive and efficient system for financial/management analysis of medical business operations.

Re claim 45. Eder discloses the system, comprising an interface for viewing the Internet query form and the Internet results page, and for communicating between the client computer system and the financial analysis system (i.e., Information can also be

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extracted from an on-line external database such as those found on an internet via a communication. These information extractions and aggregations are guided by a user through interaction with a user-interface portion of the application software that mediates the display and transmission of all information to the user from the system as well as the receipt of information into the system from the user using a variety of data windows tailored to the specific information being requested or displayed in a manner that is well known, see col.8, lines 10-25).

Re claim 46. Claim 46 recites similar limitations to claim 35, and thus rejected using the same art and rationale in the rejection of claim 46.

Re claims 47-50. Eder further discloses the system, wherein the plurality of data entry fields comprise a field described in claims 47-50, and 59. However, it is obvious and well known that data entry fields can be found in or associated with any major commercial computer spreadsheet available within the past decade, such as: Excel, Lotus 123, Quattro pro etc., which during that time have been used by thousands of financial analysts to conduct different types of standard and common financial analyses. Thus, all the data entry features and steps described in claims 47-50, and 59 can be performed using any of these well-known commercial software applications. In addition, since the steps described in claims 47-50, and 59 are basic data entry operations. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to load the well-known software programs stated supra unto Eder's system to implement all the basic field/option selection operation described hereinabove to enable medical care professionals to use a broad array of assumptions to forecast utilization of

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medical procedures and estimated revenue per procedure under multiple capitation scenarios and to provide for a more comprehensive and efficient system for financial/management analysis of medical business operations.

Re claim 52. Eder discloses the method, comprising automatically creating a Web page, including the pro forma financial report, tailored to the client-specific financial analysis (see col.8, lines 13-22, see fig.13, element 806, 808, and 809); to enable the client to evaluate feasibility of the desired purchasing option for the prospective medical imaging system(this is an intended use of the described feature).

Re claim 53.Eder does not expressly disclose the method, wherein the prospective medical imaging system is selected from medical resource options on the electronic form, wherein the medical resource options include a magnetic resonance imaging (MR1) system, a computed tomography (CT) system, an ultrasound system, or any combination thereof. However, medical resource options are fields on the electronic form, and it is obvious and well known that data entry fields can be found in or associated with any major commercial computer spreadsheet available within the past decade, such as: Excel, Lotus 123, Quattro pro etc., which during that time have been used by thousands of financial analysts to conduct different types of standard and common financial analyses. Thus, all the data entry options/fields outlined hereinabove can be created using any of these well-known commercial software applications. In addition, since the step described in claim 53 above is just a basic field/option selection operation, it would have been obvious to one of ordinary skill in the art at the time of the invention to load the well-known software programs stated supra unto Eder's system to

implement all the basic field/option selection operation described hereinabove to enable medical care professionals to use a broad array of assumptions to forecast utilization of medical procedures and estimated revenue per procedure under multiple capitation scenarios and to provide for a more comprehensive and efficient system for financial/management analysis of medical business operations.

(10) Response to Argument

I. In response to the appellant's argument concerning the 35 U.S.C. 103(a)

rejection of independent claim 1. The appellant argues in substance that the prior art of record, Eder, neither teaches an electronic form comprising a medical-imaging-device purchase-analysis form configured to enable selection of fields for selecting a prospective medical imaging system nor system operational data for the medical imaging system. Contrary to the applicant's assertion, Eder does disclose system operational data and electronic form configured to enable the selection of fields (see fig.13, element 806, see fig.14, also see col.18, lines 12-20, see col.9 lines 10-18). Eder does not expressly disclose a medical-imaging device/system. However, Medical facility (i.e., medical imaging system) is simply an intended subject use of this invention. And since there is no structural difference between the claimed invention and the prior art, the prior art structure is capable of performing the intended use, i.e., the prior art can be configured to enable entry of any data, and can be configured to enable selection of any data items, then clearly the prior art meets the claim. Further, the functionality of the prior art can be applied to any facility or business operation, services or products; with the names of their specific industry and related products and services simply replacing

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"medical facility" and its related products and services by name. Further still, the method steps described in the claimed invention hereinabove (i.e., financial data including system operational data of the prospective medical imaging system and a medical-imaging-device purchasing analysis form having fields configured to enable selection of a prospective medical imaging system from a plurality of medical imaging systems). Thus, the recitation of "operational data of medical imaging systems" and "medical-imaging-device purchasing analysis form", this information is nothing but financial data as stated hereinabove, thus neither enhances nor diminishes the functionality of the system. This information is nothing but a compilation of data, which coincides with the definition of non-functional descriptive material in MPEP 2106.01. In conclusion, when the prior art describes all the claimed structural and functional relationships between the descriptive material and the substrate, but the prior art describes a different descriptive material than the claim, then the descriptive material is non-functional and will not be given any patentable weight. That is to say, mere reciting "financial data including operational data of medical imaging device", presents no new and unobvious functional relationship between the descriptive material and the substrate. Thus it would have been obvious to one of ordinary skill in the art to apply the modeling and analyzing business improvement programs taught by Eder to medical imaging system financial operation to enable medical care professionals to use a broad array of assumptions to forecast utilization of medical procedures and estimated revenue per procedure under multiple capitation scenarios and to provide for a more comprehensive and efficient system for financial/management analysis of medical business operations.

II. In response to the appellant's argument concerning the 35 U.S.C. 103(a)

rejection of independent claim 19. The appellant further argues that Eder is absolutely devoid of an interface which includes a medical-diagnostic-device analysis purchase analysis form having fields configured to enable the selection of a prospective medical imaging system, and also Eder is devoid of financial report tailored to such systems. Contrary to the applicant's assertion, Eder discloses an interface having fields configured to enable the selection of data (i.e., These information extractions and aggregations are guided by a user (20) through interaction with a **user-interface portion** of the application software (900) that mediates the display and transmission of all information to the user (20) from the system (100) as well as the receipt of information into the system (100) from the user (20) using a variety of data windows tailored to the specific information being requested or displayed in a manner that is well known. While only one database of each type (10, 15, 30, 35 & 40) is shown in FIG. 1, it is to be understood that the system (100) can extract data from multiple databases of each type via the interconnection network (25)....., see col.8 lines 15-65), Eder further discloses financial report tailored top such systems (see fig.13 and 14). Eder does not expressly disclose a medical-diagnostic device/system. However, Medical facility (i.e., medical diagnostic system) is simply an intended subject use of this invention. And since there is no structural difference between the claimed invention and the prior art, the prior art structure is capable of performing the intended use, i.e., the prior art can be configured to enable entry of any data, and can be configured to enable selection of any data items, then clearly the prior art meets the claim. Further, the

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functionality of the prior art can be applied to any facility or business operation, services or products; with the names of their specific industry and related products and services simply replacing "medical facility" and its related products and services by name.

III. In response to the appellant's argument concerning the 35 U.S.C. 103(a)

rejection of independent claim 34. The appellant further argues that Eder fails to teach or suggest a form for entering of client data related to healthcare facility and/or a medical imaging system. Contrary to the applicant's assertion, Eder teaches a form for entering of client data (see fig. 13, element 806, see fig. 14, also see col. 18, lines 12-20). Eder does not expressly disclose a medical-imaging device/system. However, Medical facility (i.e., medical imaging system) is simply an intended subject use of this invention. And since there is no structural difference between the claimed invention and the prior art, the prior art structure is capable of performing the intended use, i.e., the prior art can be configured to enable entry of any data, and can be configured to enable selection of any data items, then clearly the prior art meets the claim. Further, the functionality of the prior art can be applied to any facility or business operation, services or products; with the names of their specific industry and related products and services simply replacing "medical facility" and its related products and services by name.

IV. In response to the appellant's argument concerning the 35 U.S.C. 103(a)

rejection of independent claim 43. The appellant further argues that Eder does not disclose an internet query forms having data entry fields for accepting financial data of a medical diagnostic system. However, Eder discloses an internet query forms having data entry fields for accepting financial data (see col. 5 lines 15-30, also see fig. 4 and

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6A). Eder does not expressly disclose a medical-diagnostic device/system. However, Medical facility (i.e., medical diagnostic system) is simply an intended subject use of this invention. And since there is no structural difference between the claimed invention and the prior art, the prior art structure is capable of performing the intended use, i.e., the prior art can be configured to enable entry of any data, and can be configured to enable selection of any data items, then clearly the prior art meets the claim. Further, the functionality of the prior art can be applied to any facility or business operation, services or products; with the names of their specific industry and related products and services simply replacing "medical facility" and its related products and services by name. Further still, the method steps described in the claimed invention hereinabove (i.e., an internet query forms having data entry fields for accepting financial data of a medical diagnostic system). Thus, the recitation of "financial data of a medical diagnostic system", this information neither enhances nor diminishes the functionality of the system. This information are nothing but a compilation of data i.e., financial data, which coincides with the definition of non-functional descriptive material in MPEP 2106. In conclusion, when the prior art describes all the claimed structural and functional relationships between the descriptive material and the substrate, but the prior art describes a different descriptive material than the claim, then the descriptive material is non-functional and will not be given any patentable weight. That is to say, mere reciting "financial data of a medical diagnostic system", presents no new and unobvious functional relationship between the descriptive material and the substrate – note that data is data no matter what.

V. In response to the appellant's argument concerning the 35 U.S.C. 103(a)

rejection of dependent claim 53. All in all, the appellant further argues that Eder fails to disclose the method, wherein the prospective medical imaging system is selected from medical resource options on the electronic form, wherein the medical resource options include a magnetic resonance imaging (MR1) system, a computed tomography (CT) system, an ultrasound system, or any combination thereof. While it is true that Eder does not expressly disclose the method, wherein the prospective medical imaging system is selected from medical resource options on the electronic form, wherein the medical resource options include a magnetic resonance imaging (MR1) system, a computed tomography (CT) system, an ultrasound system, or any combination thereof. However, medical resource options are fields on the electronic form, and it is obvious and well known that data entry fields can be found in or associated with any major commercial computer spreadsheet available within the past decade, such as: Excel, Lotus 123, Quattro pro etc., which during that time have been used by thousands of financial analysts to conduct different types of standard and common financial analyses. Thus, all the data entry options/fields outlined hereinabove can be created using any of these well-known commercial software applications.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.


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Respectfully submitted,


Ojo O. Oyebisi


Examiner

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ANDREW J. FISCHER
SUPERVISORY PATENT EXAMINER
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Conferees:

~~***~~
James Kramer 
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Appeal Specialist